

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ABBOTT DIABETES CARE INC., and
ABBOTT LABORATORIES,

Plaintiffs,

v.

ROCHE DIAGNOSTICS CORPORATION
and BAYER HEALTHCARE LLC,

Defendants/Counterplaintiffs.

CASE NO. C 05-3117 MJJ

STIPULATION AND ORDER ON ADDITION
AND INTERVENTION OF ROCHE
DIAGNOSTICS OPERATIONS, INC., AS A
DEFENDANT AND COUNTERPLAINTIFF.

Granted

Plaintiffs, Abbott Diabetes Care Inc. and Abbott Laboratories, and Defendant Roche
Diagnostics Corporation (RDC) respectfully stipulate to the addition and intervention of Roche
Diagnostics Operations, Inc. (RDOI) as a defendant/counterplaintiff in this case.

In support of this stipulation RDC shows the Court that RDOI manufactures some of the
products that are accused by Plaintiffs of infringing the patents in suit and thus RDOI has a direct
interest in the outcome of this case.

DATED: September 28, 2005

LATHAM & WATKINS LLP

s/Lynn C. Tyler

Richard B. Ulmer, Jr.

BARNES & THORNBURG LLP

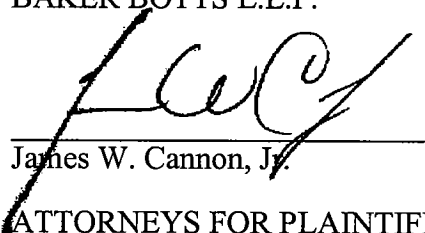
Donald E. Knebel

Lynn C. Tyler

ATTORNEYS FOR DEFENDANT ROCHE
DIAGNOSTICS CORPORATION

DATED: September 28, 2005

BAKER BOTTS L.L.P.

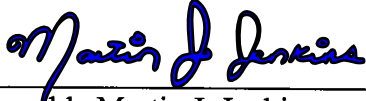

James W. Cannon, Jr.

ATTORNEYS FOR PLAINTIFFS ABBOTT
DIABETES CARE INC. AND ABBOTT
LABORATORIES

**ORDER ON ADDITION AND INTERVENTION OF
ROCHE DIAGNOSTICS OPERATIONS, INC.**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 10/3/2005

By: 
Honorable Martin J. Jenkins
UNITED STATES DISTRICT JUDGE